

California Transportation Conformity Working Group

Thursday, January 27, 2005

10:30 am - 3:30 pm

San Diego Association of Governments (SANDAG)
401 B Street, Suite 800, San Diego, CA 92101

MEETING NOTES

FHWA Updates

- Update on Status of TEA-21 Reauthorization – Steve Luxenberg
Congress wants to combine w/main budget process in mid-March or later; needs updated estimate of trust fund revenues. Current legislation expires May 31, 2005; another extension is possible. No resolution of funding levels or other details yet.
- Transportation Conformity Checklists – Steve Luxenberg
Please review and comment (download from Conformity Working Group web site). These have been reviewed at FHWA & EPA HQ. Please send back comments ASAP; would like to finalize by May mtg. Email to Steve Luxenberg at FHWA. Still Draft; do not replace current checklist(s) yet; continue using existing checklists for current conformity analyses.
- FHWA Guidance on CMAQ Program and Revocation of the 1-Hour Ozone Standard – Bob O'Loughlin
 - GUIDANCE coming soon: use of CMAQ in 1-hr revocation areas like Monterey Co. and Santa Barbara.
 - Will accept TIP adjustments for CMAQ until revocation – can obligate for 1st 3 yr of TIP in effect at 6/15/05 but no new projects can be added after 6/15/05.
 - Question/SBCAG: how far in advance of expenditure can we obligate? Spread out past 07/08? FHWA: guidance addresses programming not obligation or expenditure, but can complete CMAQ projects in 1st 3 years of TIP.
 - Question/SJV: just for revocation w/o 8hr ozone changes? FHWA: yes. Also does not apply to other CMAQ pollutants.
 - Question/Fresno: will 05/06 apportionments be based on 1hr or 8hr? FHWA: would base on current law; apportionments would change in FY following reauthorization (06/07). There's no time to change apportionments right away.
 - Followup questions: recent letter increasing apportionment: adjust apportionments in current FY under current law? Also: Extreme status of SJV not in current apportionments; adjust current? FHWA: adjustments happening now are based on continuing

resolution/authorization; apportionments change based on extensions for part of FY; will keep adjusting; reauthorization would not take effect until the next year.

- How about PM2.5? FHWA: has to wait for new law. Likewise for 8hr – current formula only covers 1hr.
- Comment that if 1-hour ozone revoked before reauthorization is done, CMAQ may be based on CO only.
- Statewide FSTIP: STIP, SHOPP done; HBRR issues being addressed; info must be done by April 1.
 - Question: FTA issues too? FTA: 5311 programming – couple of MPOs where programming didn't match allocation; most done; few still to go.
- Clarification on project work that can proceed during a conformity lapse: based on clarification from (FHWA) HQ legal, if a project agreement for PS&E is done before the lapse starts, other related actions can go forward. (FIMIS, PR2A mods, concurrence in awards) regardless of exempt/nonexempt status of the project. Includes delegated PS&E approvals. Nothing in writing yet.

11:20 US EPA Updates

- New Staff Contacts/Introductions
Toby & Rebecca sitting in for Karina after Feb7. Other movements: Steve Barhite moving to Waste Div Region 9. Karina returning in March?
- Recent EPA SIP Actions (Emission budget adequacy, approvals, sanctions clocks, etc.)
 - Adequacy reviews underway: CO Maintenance Plan
 - sanctions clocks table updated – will be added to CWG web site.
- Supplemental Proposed Rule for PM2.5 Hot Spot Analyses (Conformity)
 - SCAG & SCAQMD, ARB comments – will send to the group after signing.
 - Doug Eisinger (UCD/Caltrans): UCD PM qualitative analysis protocol update about to be released; might be helpful as background – PM10 but concepts might help w/PM2.5.
FHWA: resolved comments? DE: yes, also ARB; nothing from EPA yet; EPA may want to provide feedback after 2.5 settles better.
- PM2.5 Area Designations – closure and what happens next
 - EPA: no classifications planned. EPA to do implementation rule; proposal in the Spring. Interim Guidance to be done for work prior to Implementation Rule.
 - SJV question: PM2.5 Implementation Rule to have attainment dates?
EPA: this would be a proposal only guessing (Subpart1) – typically 5 years w/extension of 5yr possible (from effective date of designation)
SJV followup: when will there be a conformity rule for PM2.5 precursors?

FHWA: has gone to EPA office for signature – soon.

Arnie Sherwood: gap in CA 2.5 data ... ARB plans to get more data?

Transport issues? If problem found by more monitoring what/s timeframe?

ARB: recommendations were based only on complete data; will recommend new areas if necessary.

- 8hr: Implementation Rule part 2 (NSR, RACT, ROP, etc.) to be Final in 3/05. 6/15 for 8hr conformity & 1hr revocation.
- Conformity SIPs: 11/18/04 guidance; discussion re: state rule by reference with automatic updates (TEA 21 may eliminate requirement); discussion re: consultation procedures.
 - Question re: status update re: petition for review of conformity rule, particularly potential schedule – EPA response: waiting for schedule from court.
 - Follow-up discussion re: enforceability of draft MOU for Mountain Counties. EPA is looking for an opinion from the CA Attorney General. In addition, EPA noted that MOU needs to be a SIP submittal.
- OTHER:
 - SJV: legal challenge to conformity rule/petition for review? Schedule? EPA: needs to check.
 - OTAQ Conformity SIP guidance now at OTAQ web site. 1yr Conformity SIP clocks ... any liabilities? Not strictly enforced (EPA)
 - SCAQMD: concern ... rule development ... (annual) schedules ... don't want to run out of time re. plan development ... timing/workshops/hearings ... need schedules ... potential for environmental group challenge? EPA: anybody working on Conformity SIP changes per July 2004 Conformity Rule amendments? SCAQMD: waiting on more rule changes ... transition to 8 hr ... but local process takes time + planning ... anything before July? ... SJV: how about State rule adopting conformity boilerplate? What's ARB doing? ARB: position hasn't changed; ARB will consider State verbatim portion – but wants stable Rule.
 - Who signs MOAs/MOUs? Mountain Counties pushing ...
 - Legal problem w/incorporating boilerplate by reference & auto-updates under State law.

1:00 ARB Updates

- CO Maintenance Plan – Dennis Wade and EPA
ARB: was submitted early Nov; budget adequacy proposed on 11/24 but still some discussions re budget years – after clarifying letter comments re-started comment period 1/11. EPA: comment period will close 2/10. Shooting for FR notice & adequacy by end/March.

[NOTE/April 25: FR notice has not yet gone out and the new budgets have not yet been found adequate. EPA hopes to propose approval soon, then finalize by end of June; budgets would then become adequate shortly thereafter.]

- SJV: 1) new posting has link to letter; doesn't say whether agree – are those the years? EPA: letter is it. 2) letter to State prior to notice? (yes); use letter as effective date for conformity – or wait for FR+15? (Toby: latter) ...
 - ARB: what is the situation where the EPA letter is used? FHWA: only where conformity finding by MPO is needed before effective date; FHWA action is always after effective date of adequacy. For 2018, can interpolate (because it's not an attainment year full modeling is not needed).
- Activity Development Updates; EMFAC next steps: Dennis Wade
 - ARB: got updates from most areas – reviewing area by area – contacting MPOs & air districts to discuss & clarify.
 - EMFAC: schedule hasn't changed ... draft public review Q2 0(6?) – 2nd round of workshops in March – no idea where/how many yet.
- OTHER:
 - Dr. Lloyd (formerly chair of ARB) – now secretary of CalEPA. Barbara Riordan acting chair.
 - Arnie Sherwood: EPA doing new round of MOBILE – different model – (MOVES?) – ARB coordinating? Disaggregate? Similar version of EMFAC? Timeframe? ARB: MOBILE/EMFAC have been different for a long time ... but ... Mark Carlock has been charged with developing more disaggregate rates. Not in 2005 but on his plate ... no special schedule for future updates.

1:45 Status of Transportation and Air Quality Planning in California

- Air Quality Plans
 - Bay Area: 2005 Maintenance Plan
 - BAAQMD: still working on draft ozone Maintenance SIP, also triennial state plan; public review in Feb.
 - Sacramento: 8-hour ROP Plan
 - SacAQMD: doing early ROP with 8h budgets to help SACOG get out of conformity lapse; activity data sent to ARB; getting motor vehicle budgets; adopt in Fall; public in March. Lapse end Jan?
 - SJV: Extreme budget adequacy comment period closed 1/6
 - South Coast: CO Maintenance Plan
 - SCAQMD: out for comment; public review in Feb.
- TIP/RTP

- Santa Barbara: amended FTIP/RTP done, with conformity determination to get out of lapse; to FHWA.
- Tahoe: new RTP done and sent to FHWA.
- Bay Area: amending TIP with RTP. For 8-hr. conformity, considering using 2006 instead of 2007 (FHWA: they have an option because they're a Marginal area – not a standard thing).
- San Diego: 8-hour draft conformity analysis released; Board approval scheduled for April
- Butte: new RTP/conformity just done; to FHWA in Feb.
- South Coast: processing amendments; new 8-hour conformity available
- SJV: amendments to address FSTIP issues; no amendments that require regional emissions analysis
- New Standard Air Quality Plans and Conformity
 - SJV SIP: District conducted workshop 1/4/05 re: new plan development; Northern CA SIP working Group; planning milestones & timeline presented; 8-hour SIP due June 2007; PM2.5 SIP due April 2008
 - SJV Conformity: 8-hour conformity consultation underway; networks being developed; public review in March; TPA approval in April; submit to FHWA by May 16
- Consultation guidance – EPA's view
 - What's enforceable? One provision of guidance requires both State rule and MOU; duplicative?
 - EPA: guidance statement on MOU – to be acceptable it has to be submitted for SIP (which makes it enforceable anyway?) – plus rule making it binding on all parties before it's effective. But if the Attorney General says the MOU is binding that's fine; so we need a formal legal opinion from the AG's office.
 - Arnie Sherwood: had extensive discussions in SCAG re. Enforceability; all lawyers at the time agreed the MOU is enforceable. Case law says MOAs are enforceable by their nature.
- Updated 8-hr ozone Scenarios chart – Caltrans and EPA
Posted on Statewide CWG website.
- 8-hour Ozone and PM2.5 ROP and Attainment Plans – Area Representatives
 - South Coast: PM10 updates in 2007.
 - SJV: APCD had first workshop early January. 8hr ozone SIP scheduled to be out with the Northern California SIP working group in June. PM2.5 timeline being developed. Also doing PM10 midcourse review – probably prior to 8h SIP. Initial 8hconf demonstration processes and instructions are out– networks done this week – analysis next month – public review in

March – Board actions in April – to FHWA 5/16. No amendments in process needing emission analysis.

- Ventura: working on 8hr ozone for 07 – inventory work done last year – looking for control measures – started early due to interpretation of NPRM that ROP is due 06 – EPA now saying 07 but continuing process – hoping Phase 2 implementation rule actually says 07
EPA: got adverse comments on 06 – should be 07.
- San Diego on track with Southern California SIP group. Attainment demonstration for all in region is also for 07 ROP. Initial 8hr ozone conformity demonstration out for review
- SCAG –initial 8hr ozone conformity demonstration out now for review.
- PM2.5 GUIDANCE: Interim Guidance out in a couple of months. NPRM for implementation rule late Spring. Precursor rule for conformity purposes due out in April (NPRM). Hot spot rule proposal coming too.
- More EPA items:
 - Mojave PM2.5 as Unclassifiable – it's a typo!
 - Conformity SIPs: components are the Federal Regs + consultation. Rolling 1yr submittal requirement is not an actual 1-yr that gets postponed; if change occurs, area gets 1 year to accommodate change; so there is a sequence of deadlines. Federal Rule applies if no submittal (or no approval by EPA yet), so in most areas the Federal rule is it. No need for immediate changes to accommodate conformity rule revision because it already applies. There's a minor risk but many other areas as tardy or worse.
South Coast: Conformity SIP submittal that is in but not acted on doesn't take onus off locals. EPA: a local rule is not in place if not approved; Federal rule applies. There have been no recent changes in consultation requirements, and other changes don't initiate a requirement to update consult procedures.
Ventura: So what about the MOU & regs? EPA: keep working with what you have now.
 - Reauthorization: Senate version removed requirement for (boilerplate) language to be in local conformity regulations. Still in process so not current effect.
 - South Coast: so we have a rule & MOU, not approved or disapproved by EPA; "on the books." Status? ARB: local rule is enforceable as normal rule, but not Federal until SIP approved. Fact that the SIP's submitted doesn't relieve obligation to further update for other Conf Rule changes – ongoing issue. EPA: Back of Conformity SIP guidance table shows what has to change.
 - EPA – legal matters: petition to review Conformity Rule revisions filed; nothing new beyond prior comments ... ED, NRDC, SierraClub, Transdef. Also sued over implementation rule Phase 1 – waiting for briefing schedules (for both) from courts. Cannot yet estimate when and what impacts will occur. For 8hr ozone Phase 1: EPA agreed to reconsider

some issues, and asked that some issues be stayed pending reconsideration where sued over same issues as reconsideration – lawsuits hit: designations and Phase 1.

2:45 Information sharing

- Interesting Items from TRB Conference – Doug Eisinger
 - Conformity work/TX – presentation by Chris Claus – Dallas area – anticipation of 8h O3 – a) on cusp of 1h attainment, but 8h goalposts far away; what control strategies? Focus: gross emitters; diesels; excessive idling (diesels?); cold starts. Region has handbook of mobile source emission reduction strategies – trying to get web link – not so much new stuff, but interesting to see what’s happening elsewhere.
 - Toxics – clear emphasis here – full-day session – tools – nugget: in-vehicle exposure (ARB work) is a high proportion of total exposure – link sent to all air toxic presentations prior to this CWG meeting
 - Project-level analysis – subcommittees – focus on project-level analyses – IA State professor is chair – web page developing with links to resources – if anything to post pass to Doug
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- OTHER:
 - EPA: 8h maintenance (Sec. 110) SIPs – EPA doing guidance – out in next couple months. Does not trigger conformity. Maintenance SIP Lite? Normal Maintenance SIPs are Sec175a (conformity applies); 110 Maintenance SIP requirements are still a little sketchy – conformity does not apply.
Santa Barbara: once Maintenance SIPs are done, is the area again eligible for CMAQ? EPA: no; not same as “standard” maintenance SIPs under 175A.
ARB: so what has to be shown for a 110a Maintenance SIP? EPA: have to wait for the guidance ... probably some monitoring requirements? CAA requires 110a.
ARB: another 110 requirement: State shows resources available (infrastructure SIP).
Ben: Shingle springs? No new information.

3:30 Adjournment

Directions to SANDAG and Call-in Locations

Main Meeting Location:

SANDAG office

401 B Street, Suite 800, San Diego, CA 92101

Regional Call-in Locations:

Sacramento Metropolitan AQMD

777 12th Street, 3rd Floor

Sacramento, CA 95814

Contact: Ron Maertz

(916) 874-4882 or General Information
number: (916) 874-4800

Santa Barbara CAG

260 N. San Antonio Rd., Suite B

Santa Barbara, CA 93110

Contact: Jim Damkowitch

(805) 961-8907

US EPA Region IX

75 Hawthorne Street

San Francisco, CA 94105

Contact: Rebecca Rosen

(415) 947-4152

Kern COG

1401 19th St. Suite 300

Bakersfield, CA 93301

Contact: Rob Ball

(661) 861-2191

Tahoe Regional Planning Agency

128 Market Street

Stateline, NV 89449

Contact: Bridget Cornell

(775) 588-4547 ext 218

SCAG

818 W. 7 th Street

Los Angeles, California 90017

Contact: Ted Harris

(213) 236-1916

Fresno COG

2100 Tulare Street, Suite 619

Fresno, CA 93721

Contact: Jason Paukovits

(559) 233-4148

Other Call-ins Expected:

Doug Eisinger (Sonoma Technologies –
TRB item)

Marc Chyttilo (public – Santa Barbara)

Sign-Ins:

San Diego

Mike Brady	Caltrans (HQ)
Cari Anderson	Cari Anderson Consulting
Leann Williams	Caltrans (District 7)
Eyvonne Sells	South Coast AQMD
Everett Evans	Caltrans (District 12)
Bob Joseph	Caltrans (District 12)
Elisa Arias	SANDAG
Arnie Sherwood	UC Berkeley ITS

Carl Selnick	San Diego Co. APCD
Ben Cacatian	Ventura Co. APCD
Dennis Wade	Calif. Air Resources Board

Fresno

Jason Paukovits	Fresno COG
Mike Bitner	Fresno COG
Kristine Cai	Fresno COG
Marvin Demmers	Tulare COG
Debbie Johnson	San Joaquin Valley APCD
Renee DeVere	Fresno COG
Abdul Chafi	Caltrans (District 6)

California Statewide Conformity Working Group

January 27, 2005

Meeting Notes

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San Francisco

Toby Tiktinsky EPA
John Kelly EPA
Becky Rosen EPA
Bob O'Loughlin FHWA
Ted Matley FTA
Suzanne Bourguignon Bay Area AQMD
Bill Sylte Sierra Nevada Air
David Calkins Sierra Nevada Air
Harold Brazil MTC

Santa Barbara

Jim Damkowitz SBCAG

Bakersfield

Rob Ball Kern COG

Sacramento

Ron Maertz Sacramento AQMD
Leigh Levine FHWA
Steve Luxenburg FHWA
Jean Mazur FHWA
Scott Forsythe Caltrans (District 3)
David Ipps Caltrans (HQ)
Dave Young SACOG

Los Angeles

Sylvia Patsaouros SCAG
Mike Gainer SCAG
Carla Walecka TCA

Other

Doug Eisinger UCD/Sonoma Technologies